

AMENDED IN ASSEMBLY JANUARY 4, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1251

Introduced by Assembly Member Davis

February 18, 2011

An act to amend Section ~~1400~~ 87500.1 of the ~~Elections~~ Government Code, relating to ~~elections~~ the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1251, as amended, Davis. ~~Elections: day of election. Political Reform Act of 1974: statements of economic interests.~~

Existing law, the Political Reform Act of 1974, regulates conflicts of interests of public officials and requires that public officials file, with specified filing officers, periodic statements of economic interests disclosing certain information regarding income, investments, and other financial data. Under the act, specified local government agencies are permitted to participate in a pilot program whereby certain officials of those agencies may file their statements of economic interests electronically. Existing law provides that the pilot program shall be completed by December 31, 2012, and the provisions of law authorizing the electronic filing of statements of economic interests will be repealed on December 31, 2012.

This bill would remove the designation of this program as a pilot program and would permanently permit the filing officers of all government agencies to accept the electronic filing of statements of economic interests by all public officials required to file those statements under the act, in accordance with regulations that may be adopted by the Fair Political Practices Commission.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

~~Existing law prohibits an election from being held on a day other than a Tuesday or on the day before, the day of, or the day after a state holiday.~~

~~This bill would make nonsubstantive changes to those provisions.~~

Vote: ~~majority~~ $\frac{2}{3}$. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 87500.1 of the Government Code is
2 amended to read:

3 87500.1. (a) ~~The Counties of Los Angeles, Merced, Orange,~~
4 ~~Santa Clara, Stanislaus, and Ventura and the City of Long Beach~~
5 A filing officer may permit the electronic filing of a statement of
6 economic interests required by ~~Article 3 (commencing with Section~~
7 ~~87300) this chapter~~ in accordance with regulations *that may be*
8 adopted by the Commission. ~~Each participating county shall use~~
9 ~~the standard form for electronic filing found online, as required~~
10 ~~by the Commission.~~

11 ~~(b) A public official subject to Article 2 (commencing with~~
12 ~~Section 87200) shall not participate in the pilot program.~~

13 ~~(e)~~

14 (b) A statement filed electronically shall include an electronic
15 transmission that is submitted under penalty of perjury and that
16 conforms to subdivision (b) of Section 1633.11 of the Civil Code.

17 ~~(d)~~

18 (c) (1) The filing officer shall issue to a person who
19 electronically files his or her statement of economic interests or
20 amendment electronic confirmation that notifies the filer that his
21 or her statement of economic interests or amendment was received.
22 The confirmation shall include the date and the time that the
23 statement of economic interests or amendment was received by
24 the filing officer and the method by which the filer may view and
25 print the data received by the filing officer.

(2) A paper copy retained by the filer of a statement of economic interests or amendment that was electronically filed and the confirmation issued pursuant to paragraph (1) that shows that the filer timely filed his or her statement of economic interests or amendment shall create a rebuttable presumption that the filer filed his or her statement of economic interests or amendment on time.

(e)

(d) The filing officer shall utilize a system that includes firewalls, data encryption, secure authentication, and all necessary hardware and software and industry best practices to ensure that the security and integrity of the data and information contained in the statement of economic interests are not jeopardized or compromised.

(f)

(e) The filing officer shall provide the public with a copy of an official's statement of economic interests upon request, in accordance with Section 81008. The paper copy of the electronically filed statement of economic interests shall be identical to the statement of economic interests published by the Commission and shall include the date that the statement was filed.

~~(g) (1) The pilot program shall commence on or after January 1, 2009, and shall be completed by December 31, 2012. The pilot program shall include the reporting periods of 2008 through 2011. A city or county participating in the pilot program shall submit a report to the Commission not later than July 1, 2011. The report shall include the following:~~

~~(A) A listing and estimate of associated operational efficiencies and related savings.~~

~~(B) A listing and estimate of associated costs from implementing and operating the pilot program.~~

~~(C) A listing of safety, security, or privacy issues encountered and explanation of how those issues were addressed.~~

~~(D) Available information relating to feedback from electronic filing participants.~~

~~(E) Any other relevant information on the implementation of the pilot program.~~

~~(2) The Commission shall transmit the city and county reports received, as well as any comments on the reports, to the Legislative Analyst's Office not later than August 15, 2011. The Legislative~~

1 Analyst's Office shall provide a report to the Legislature evaluating
2 the pilot program not later than February 1, 2012.

3 ~~(h) The Commission, in conjunction with the Legislative~~
4 ~~Analyst's Office, may develop additional criteria for the report to~~
5 ~~be submitted to the Commission by the participating city and~~
6 ~~counties pursuant to paragraph (1) of subdivision (g).~~

7 ~~(i) This section shall remain in effect until December 31, 2012,~~
8 ~~and as of that date is repealed, unless a later enacted statute, which~~
9 ~~is enacted before December 31, 2012, deletes or extends that date.~~

10 *SEC. 2. The Legislature finds and declares that this bill furthers*
11 *the purposes of the Political Reform Act of 1974 within the meaning*
12 *of subdivision (a) of Section 81012 of the Government Code.*

13 ~~SECTION 1. Section 1100 of the Elections Code is amended~~
14 ~~to read:~~

15 ~~1100. An election shall be held only on a Tuesday, and an~~
16 ~~election shall not be held on the day before, the day of, or the day~~
17 ~~after a state holiday.~~